

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

**IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION**

MDL No. 2:18-mn-2873-RMG

This Document relates to:

See Cases Listed in Exhibit A Attached Hereto

JOINT MOTION FOR EXTENSION OF BRIEFING DEADLINES

Pursuant to L.R. 6.01, the CERCLA Plaintiffs,¹ the Highland Dairy Plaintiffs,² and Defendant United States of America (“United States”) (collectively, the “Parties”) respectfully request that the Court extend the deadlines for the remaining briefing on the following two motions the United States filed on September 8, 2025: (1) The United States’ Motion to Hold in Abeyance CERCLA Cost Recovery and Contribution Claims (Dkt. No. 7987) (“CERCLA Abeyance Motion”); and (2) The United States’ Motion to Deny or Defer Ruling on Plaintiffs’ Motion for Partial Summary Judgment Pursuant to Federal Rule of Civil Procedure 56(d) (Dkt. No. 7988) (“Motion to Deny/Defer Partial Summary Judgment”). In support of their request, the Parties state as follows:

¹ For purposes of this Joint Motion, the term “CERCLA Plaintiffs” collectively refers to all plaintiffs in this MDL with pending cost recovery and contribution claims against the United States under sections 107 and 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“CERCLA”), 42 U.S.C. § 9607. Attached as Exhibit A to this motion is a complete list of all of those plaintiffs and the cases they brought against the United States that assert cost recovery claims under sections 107 and/or 113 of CERCLA.

² For purposes of this Joint Motion, the term “Highland Dairy Plaintiffs” refers to Art and Renee Schaap d/b/a Highland Dairy, who are the plaintiffs in the CERCLA cost recovery action captioned *Schaap v. United States et al.*, No. 2:24-cv-07040-RMG (D.S.C.).

1. Both the CERCLA Plaintiffs' joint response³ to the United States' CERCLA Abeyance Motion and the Highland Dairy Plaintiffs' response to the United States' Motion to Deny/Defer Partial Summary Judgment are currently due on September 22, 2025.

2. Neither the CERCLA Plaintiffs' nor the Highland Dairy Plaintiffs' response deadlines have been previously extended.

3. The CERCLA Plaintiffs and the Highland Dairy Plaintiffs request that the Court extend their respective response deadlines until October 23, 2025, which would be forty-five (45) days after the United States' CERCLA Abeyance Motion and Motion to Deny/Defer Partial Summary Judgment were filed.

4. Pursuant to Local Rule 7.02, counsel for the CERCLA Plaintiffs and the Highland Dairy Plaintiffs conferred with counsel for the United States, and the United States has agreed to the requested extensions on the condition that its deadline to file replies to the CERCLA Plaintiffs' and Highland Dairy Plaintiffs' responses be extended until thirty (30) days after those responses are filed.

5. Should the Court grant the requested extensions, the United States' replies in further support of both its CERCLA Abeyance Motion and Motion to Deny/Defer Partial Summary Judgment would be due on November 24, 2025.

6. Granting the requested extensions would not affect other deadlines in this litigation and would not prejudice any party.

7. Pursuant to paragraph 3 of this Court's Case Management Order No. 2.A, prior to filing this motion, the CERCLA Plaintiffs and the Highland Dairy Plaintiffs conferred with Co-

³ As they have already disclosed to the United States the CERCLA Plaintiffs plan to file a joint response to the United States' CERCLA Abeyance Motion in lieu of individual responses in their respective cases that assert CERCLA cost recovery claims against the United States.

Lead Counsel for Plaintiffs about this motion, and they indicated that they approve the filing of this motion.

WHEREFORE, the CERCLA Plaintiffs, the Highland Dairy Plaintiffs, and the United States respectfully request that the Court (1) extend the deadlines for the CERCLA Plaintiffs and the Highland Dairy Plaintiffs to file their responses to the United States' CERCLA Abeyance Motion and Motion to Deny/Defer Partial Summary Judgment, respectively, until October 23, 2025; and (2) extend the deadlines for the United States to file its replies in further support of its CERCLA Abeyance Motion and Motion to Deny/Defer Partial Summary until thirty (30) days after the CERCLA Plaintiffs and the Highland Dairy Plaintiffs file their respective responses.

Dated: September 19, 2025

Respectfully submitted,

/s/ Andrew Croner

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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2025, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing upon counsel of record.

/s/ Andrew Croner

Andrew Croner